

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON APPLICATION FOR
APPROVAL OF A PROJECT UNDER CHAPTER 121A
OF THE GENERAL LAWS OF THE COMMONWEALTH
OF MASSACHUSETTS AND CHAPTER 652 OF THE
ACTS OF 1960 AND FOR CONSENT TO THE FORMATION
OF A LIMITED PARTNERSHIP TO BE ORGANIZED UNDER
THE PROVISIONS OF SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:30 p.m. on March 1, 1973, in Room 921, 1 City Hall Square, Boston, Massachusetts, by the Boston Redevelopment Authority (hereinafter called the "Authority") on the Application dated July 10, 1972, of Alexander H. McNeil, J. Virginia McNeil, Joseph J. Padellaro, Richard C. Crowell and A. Donald Deluse (hereinafter referred to as the "Applicants") pursuant to the provisions of the Massachusetts General Laws (Ter.Ed.) Chapter 121A, as heretofore amended ("Chapter 121A"), and the Rules and Regulations of the Authority, for authorization and approval of a Project to be constructed, operated and maintained in accordance with the provisions of Chapter 121A, Chapter 652 and the Application and for the consent by the Authority to the formation of a Limited Partnership under the name Rockingham Glen Associates ("Redeveloper" or "Limited Partnership") to be organized by the Applicants under Chapters 109 and 121A for the purpose of undertaking and carrying out the Project. Due notice of said hearing was given previously by publication on February 13 and 20, 1973, in THE BOSTON GLOBE AND BOSTON HERALD AMERICAN, daily newspapers of general circulation published in Boston, and mailing postage prepaid, in accordance with Rule 8 of the BOSTON REDEVELOPMENT AUTHORITY RULES AND REGULATIONS FOR SECURING APPROVAL OF PROJECTS IN BOSTON UNDER CHAPTER 121A OF THE GENERAL LAWS AS AMENDED and in accordance with the provisions of Section 13 of said Chapter 652. The following members of

the Authority were present during the hearing:

Paul J. Burns
James G. Colbert
Joseph J. Walsh

B. The Project. The Project consists of the planning, construction, maintenance, management and operation by the Redeveloper of two masonry apartment buildings of four stories for elderly housing on a parcel of land located off Washington Street in the West Roxbury section of the City of Boston, said parcel shown as Parcel 532 on a plan, attached as an Exhibit to the Application entitled "Subdivision Plan of Land in Boston (West Roxbury)" by Boston Public Works Department, A. J. Taluna, Surveyor, dated January 20, 1969. The land is presently owned by the Applicants. The Project is to be financed through a mortgage loan obtained from the Massachusetts Housing Finance Agency. These premises are hereinafter referred to as the "Project Area". The following structures and facilities are to be constructed thereon:

1. Two masonry apartment buildings of four stories. The buildings will contain one hundred forty-one (141) dwelling units for elderly persons and/or families (ninety-three (93) one-bedroom units; forty-seven (47) two-bedroom units; and one two-bedroom unit for a resident manager).

The apurtenant facilities will include landscaping, walks, driveways, and outdoor parking facilities for eighty-six (86) parking spaces.

C. Authority Action. Before making the findings and determinations hereinbelow set forth and approving the Application, the Authority has considered the Application itself, all documents, plans, exhibits and addenda filed with it or referred to in it, the model of the Project displayed at the hearing, the oral evidence presented at the hearing, the exhibits offered in evidence at the hearing and the arguments and statements made at the hearing. The members of the Authority

are also personally familiar with and have viewed the Project Area. The findings and determinations are:

1. Project as a Blighted Open Area.

The Project Area is a blighted open area within the definition contained in Section 1 of Chapter 121A in that the area is detrimental to the safety, health, morals, welfare or sound growth of the community because it is unduly costly to develop it soundly through the ordinary operations of private enterprise without the assistance provided by said Chapter 121A by reason of the following conditions, all of which are applicable to the Project Area:

(a) The existence of subsurface ledge and rock, peat and severe grade changes within the Project Area;

(b) The necessity for unduly expensive excavation, fill or grading resulting from said subsurface ledge and severe topographical conditions;

(c) The location and character of the Project Area is open and undeveloped and is contiguous to another large area, also open and undeveloped, thereby making it difficult to maintain and properly police. Its location in a sound residential neighborhood is detrimental to the safety, health, morals, welfare and sound growth of the community.

2. Area Constitutes a Project.

The Project as described in the Application constitutes a "Project" within the meaning of said Chapter 121A since it provides for the construction in a blighted, open area of decent, safe and sanitary housing for elderly at rent levels below those which the conventional operation of the real estate market produce. Construction of this development should help to reduce the long waiting lists for admission to existing public housing for the elderly projects; and encourage the conservation and improvement of existing dwellings adjacent to the Project Area.

3. Cost of Project. The cost of the Project has been estimated accurately thereby the Project appears feasible. The cost of the Project will be approximately three million five hundred thousand dollars (\$3,500,000.00). The cost will be financed in part by a Massachusetts Housing Finance Agency mortgage loan in an amount equal to ninety (90%) per cent of the Project cost, or approximately \$3,060,000, with the balance to be provided by the limited partnership. The proposed general partners will advance all working capital required prior to construction up to the amount of the capital contributions of the limited partners. The Authority believes that the Redeveloper is well able financially to carry out the Project. The Authority requires as part of its approval that prior to completion of the construction of the Project that Rockingham Glen Associates not dispose of its interest in the Project without first obtaining prior written approval from the Authority.

4. Consistency with Master Plan. The Project does not conflict with the Master Plan of the City of Boston, for the locality in which the Project Area is situated.

5. Effect of the Project. The Project will not be detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will constitute a public use and benefit. The structures to be erected are attractive, efficiently designed buildings with ample light and air and appurtenant spaces; and will enhance the general appearance of the area while furnishing attractive and needed living accommodations. The location proposed is excellent because of its ready access to public transportation, and convenience to the Center Street and Roslindale Square retail areas.

The Project will involve a favorable environmental impact except for insignificant noise which may accompany construction.

The carrying out of the Project will not in itself involve the destruction or alteration of any existing structures nor, in any way, the displacement of any person from their present dwellings.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike. The carrying out of the Project will not require the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than fifty (50) pupils, or as a public or private hospital having more than twenty-five (25) beds, or as a church.

6. Minimum Standards. The minimum standards for financing, construction, maintenance and management of the Project, all as set forth in Exhibit D, filed with and attached to the Application, are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicant, prior to obtaining a building permit,

- 1) enter into a regulatory agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18c and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate;
- 2) submit to the Authority for its review and approval such plans and specifications for the project that the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and 3) adhere to such design review controls and requirements as the Authority may in its discretion impose.

Additionally, the Authority requires the Applicant, to the fullest extent permitted by applicable law, to give special emphasis and consideration to applications for tenancy from elderly persons of the immediate area, where it has been established that there is a need for such housing.

The Authority further requires that no less than 25% of all the units to be provided shall be for low income persons and/or families at rent levels equivalent to those being charged by the Boston Housing Authority for public housing tenants.

7. Deviations. Exhibit E filed with and attached to the Application lists the deviations from the Boston Zoning Code, Building Code and Fire Laws on the total site in the aggregate. For the reasons set forth in the Application and supporting documents, including said Exhibit E, and in the evidence presented at the hearing and in this report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the applicable laws, codes, ordinances, and regulations respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other Cities that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit E and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations respectively.

I. BOSTON ZONING CODE.

The Project is located in an S-.5 Zone District, Permission to deviate from the following provisions of Boston Zoning Code is hereby granted:

a) Section 8-7, Use Item #7:

A multi-family dwelling such as is proposed is not an allowed use within the S-.5 Zone District and would require a variance.

b) Section 10-1: Parking is not allowed with five (5) feet of a side lot line and would require variance.

c) Section 14-2: The lot area per additional dwelling unit requirement is not met and would require a variance.

d) Section 14-4:

The lot has a minimum frontage on a street of some forty (40) feet rather than the required sixty (60) feet.

e) Section 14-4 (b):

The access to the rear of the lot does not meet the requirement of this section.

f) Section 16-1:

The proposed buildings will be no greater than forty-five (45) feet above grade and will contain four (4) stories. The Code limits the allowable height and number of stories to thirty-five (35) feet and two and one-half (2- $\frac{1}{2}$) stories.

g) Section 23-1:

The Code requires one-hundred twenty-seven (127) parking spaces and eighty-six (86) parking spaces are proposed.

II. HEALTH LAWS.

No permission is required.

III. FIRE LAWS.

No permission is required. However development of the Project Area shall be done in accordance with the site plan entitled, "Site Plan, Rockingham Glen, West Roxbury, Mass., dated March 5, 1973" prepared by James W. Haley, C. E., approved by the Boston Fire Department on March 12, 1973.

IV. BUILDING LAWS.

No permission is required.

MEMORANDUM

APRIL 5, 1973

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: REPORT AND DECISION ON APPLICATION FOR APPROVAL OF A PROJECT UNDER CHAPTER 121A OF THE GENERAL LAWS OF THE COMMONWEALTH OF MASSACHUSETTS AND CHAPTER 652 OF THE ACTS OF 1960 AND FOR CONSENT TO THE FORMATION OF A LIMITED PARTNERSHIP TO BE ORGANIZED UNDER THE PROVISIONS OF SAID CHAPTER 121A.

SUMMARY: This Memorandum requests that the Authority adopt a Report and Decision approving the redevelopment project and consenting to the carrying out of the project by Rockingham Glen Associates.

A public hearing was held by the Authority on March 1, 1973, on an Application filed by Alexander H. McNeil and others for the authorization and approval of a development project under Chapter 121A of the Massachusetts General Laws, as amended, and for consent to the undertaking of the project by Rockingham Glen Associates, a Massachusetts limited partnership.

The 121A Application has been examined and found to contain sufficient evidence in support of the proposed project to permit the Authority to proceed to the adoption of the attached Report and Decision approving the project and consenting to the carrying out of the project by Rockingham Glen Associates.

As indicated by the Application and from testimony at the hearing, this proposal calls for the construction of two masonry apartment buildings, each four stories in height. The buildings will contain 141 dwelling units for elderly persons and/or families. The Massachusetts Housing and Finance Agency will provide the financing of approximately \$3 million to enable the construction of the buildings.

It should be noted that the Report and Decision requires that the developer, to the fullest extent permitted by applicable law, give special emphasis and consideration to applications for tenancy from elderly persons of the immediate area. It should also be noted that the Fire Department has reviewed and approved certain modifications to the Plan allowing for adequate access to the parcel for fire fighting equipment. The approval also requires continuing design review until completion of working drawings in order to insure that the high quality of design as presented is continued.

It is therefore recommended that, pursuant to Chapter 121-A of the General Laws, as amended, the Authority adopt the Report and Decision accompanying this memorandum and Vote.

Attachment